



Care Standards and Primary Health Lists

Guide to Statements, Bundles, Scott Schedules and Witness Templates

1. This guide is to help to ensure a fair and efficient hearing.
2. Appellants who are not legally represented should read this guide in full prior to the telephone case management hearing and refer to it when preparing for the full hearing.
3. All evidence that each party to the appeal wishes to rely upon must be included in the hearing bundle. If you wish to ask a witness to attend the hearing to give evidence, you must prepare a witness statement, and this must be included in the bundle.

Witness statement layout

4. Witness statements should:
 - a) be typed on plain white paper in Arial 12 point, spaced at 1.5 lines;
 - b) include numbered paragraphs;
 - c) be paginated by inserting the page in the bottom CENTRE of the page (eg. pg 1 of 10);
 - d) include in the top LEFT of the first page/sheet the following information:
Care Standards
Case No. e.g. [2012] 1234.SW
Parties e.g. Ms Smith v OFSTED
 - e) include in the top RIGHT of the first page/sheet the following information:

Statement Number 1 of 1 - Joan Smith
Statement made 13 October 2014
Statement exchanged 16 October 2014

Statement Content (Appellant/Witnesses)

Introducing yourself

5. Begin with a short introduction.

For example:

I, Joan Smith, childminder, of 12 Netheroyd Hill, Desford, Nottinghamshire , NG21 2HN (if you are a professional witness please state your professional address) state as follows:

6. Then provide the reason you are making this statement.

For example:

I am making this statement in response to the decision dated 1 October 2014 to cancel my registration as a childminder.

7. Then set the scene by describing what you are appealing against and why.

Background/chronology

8. It is helpful to set out the background briefly with your knowledge of events in chronological order.

The issues

9. The decision letter should normally set out allegations/concerns against you. Where there is more than one issue it is useful to separate the evidence on each point.

For example:

Allegation 1 - That on 21 March 2014, I shouted at Peter Pratt;

1. I did not shout at Peter. He was shouting at me and I may have raised my voice to calm him down but that is all. I did not swear at him. I told him to sit down and stop waving his arms about. Eventually he calmed down. I carried on with my work.
2. He did not complain about me until 3 weeks later.

10. Cover all the issues in the case and give as much relevant detail as possible.

11. If you refer to another document this is called an Exhibit. Use your initials and the number of the exhibit to refer to it.

An example:

Peter Pratt's mother sent me a letter dated 1 August 2014 thanking me for all the good work I had done with Peter – see exhibit JS1.

12. The exhibits should then follow your statement in the bundle. There is no need to exhibit documents that will already be included in the bundle such as the notice of decision, your grounds of appeal etc.

End – statement of truth

13. At the end of the statement you should include a statement of truth as follows:

I certify that the contents of this statement are true and I understand that it will be used as evidence in the case.

Signed (Sign the statement)

Print your name

Dated 26 October 2014

General tips

14. The following tips are designed to help you to get your case across to the Tribunal and the other party as clearly as possible:

- read your statement very carefully to make sure there are no errors and that the contents are true;
- write your own statement to ensure everything said is within your knowledge – signing a statement that someone else has written on your behalf is not appropriate – if they get something wrong you may end up in a difficult position when you are asked questions at the hearing;
- your statement is very important and should not be rushed;
- The statement must be sent to the other party by the date directed by the Judge in the Directions sent to you by the Tribunal;
- Always try to comply with time-limits but If you need more time, email the other party to see if they agree to extending the time and then email the Tribunal request an extension of time. **Full reasons for this request must be provided.**

Witness statements (Professional Witnesses)

15. Follow the guidance above.
16. Please try to avoid including exhibits to statements that are already in the bundle such as the notice of decision.

Bundles

17. The bundle for the hearing should contain all documents and witness statements relied upon by both parties. The papers in the bundle will be the only papers the Tribunal will refer to, and it is therefore important to familiarise yourself with the bundle and important page references.

18. The bundle will be prepared by the Respondent, paginated, arranged in sections so that the documents are easy to find during the hearing.
19. The Respondent will prepare a draft index of the bundle for the Appellant to comment on. The Appellant will have the opportunity to suggest any further documents which are either missing or should be added before being issued to the panel. In the event of a dispute the issue can be referred to the Judge by contacting the Tribunal.
20. The Respondent should follow the following guidance when preparing bundles:
 - a) The bundle must be properly and fully indexed. The index should include the name and date of the document and should not simply list documents as exhibits;
 - b) There should be an index at the beginning of each bundle;
 - c) The bundle should be copied double sided;
 - d) The pagination of the bundle should be in the bottom RIGHT corner;
 - e) The bundle should be arranged in **six sections A-F** as outlined below. Each section should have pagination by section from Page A1 to the end of that section. The pages can then be referred to as A1, A2, B1, B2 etc. Additional pages or statements can also be added much more easily and into the right section.

Section A: appeal, response, up to date case summary including a schedule of issues, chronology, any Orders made by a Judge in the proceedings;

Section B: The original decision letter and supporting documents;

Section C: The Respondent's witness statements followed by the Respondent's relevant documents in chronological order (care should be taken to avoiding including repeated copies of the same document – there is no need to exhibit a document that is already in the bundle or has already been referred to by another witness);

Section D: The Appellant's witness statements followed by the Appellant's relevant documents in chronological order;

Section E: Relevant extracts from Codes of Practice, Regulations and Legislation;

Section F: Relevant Authorities and Case Law.

Case Summary: This is a document prepared by the Respondent which sets out the (i) background to the case, (ii) relevant legal test to be applied (iii) current issues to be determined/findings of fact sought (iv) issues that are no longer in dispute. It may be quite a short document or run to several pages in a longer case. Where findings are sought it should refer to the relevant evidence and give bundle pagination for that evidence. It is important that the case summary is an accurate and up to date document.

Chronology: This is a document prepared by the Respondent. It should be as neutral as possible and should record the relevant dates in a chronological order, starting with the earliest.

Relevant Authorities: These are previously decided cases concerning other parties that may be relevant to explain the legal framework. These are supplied by the parties lawyers. If the Appellant is not represented the Tribunal does not expect the Appellant to supply cases or authorities.

Scott Schedules

21. In some cases the Judge may order the parties to prepare a Scott Schedule. This is a document in tabular form that will generally be prepared once the bundle has been completed.
22. The Respondent will set out a list of concerns/allegations against the Appellant in chronological order, together with an indication of whether it is historic or ongoing and page references to the evidence relied upon in the bundle.
23. Upon receipt of the Respondent's concerns/allegations the Appellant will then set out a response to each (accepted or disputed, and if disputed brief reasons why) together with page references to the evidence relied upon.
24. The Respondent will then send the completed Scott Schedule to the Tribunal.

Witness Templates

25. In order to make sure that the case runs smoothly, the Judge may suggest that you complete a Witness Template (as below) with an estimate time of when each witness will give evidence and how long they will be needed. This is to ensure witnesses do not have to wait around for a long period of time and that the Tribunal day is run efficiently.
26. **The first question to ask is "Do I need this witness to attend?"** If you agree their evidence and have no questions for them, they might not need to come to the Tribunal Hearing.
27. **The second question is** "How long will they need to be at the hearing to give evidence"? Witnesses have already made statements on behalf of each party and the Tribunal panel will have read them. There is no need for them to repeat this evidence – called "Evidence in Chief" so the Tribunal is mainly interested in the time for them to be asked questions – called "**Cross Examination**". If you only have a few questions, a time estimate might be 30 minutes. If you have a lot of questions, you might estimate that they will need to give evidence for longer. The Panel know that this is an estimate of time and that sometimes witnesses take less or more time than expected – we just ask you to do your best!. Lawyers are expected to be more accurate in their time estimates.

Specimen Witness Template:

| 13 October 2014 | Appellant | Respondent |
|-----------------|-----------|------------|
| Amarprit Kaily | | 10 minutes |
| Shane Burk | | 2 hours |
| 14th October | | |
| Jit Sandhu | 1 hour | |

Hearing

28. The Tribunal normally sits from 10:30am to 1pm, break for lunch and reconvene at 2pm to 4:30pm.

29. If you would like to see what happens at the hearing itself please request a copy of the DVD "Making Your Case" by contacting Care Standards either by email to cst@hmcts.gsi.gov.uk or by Telephone on 01325 289367 or write to us at:

HM Courts & Tribunals Service
Care Standards
1st Floor, Darlington Magistrates' Court
Parkgate
Darlington
DL1 1RU

We hope that this guide has been useful to you in preparing your statement and understanding goes in the bundle and what is required for a witness template. We would welcome your feedback or any suggestions you may have for improving this document.